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Ugo DeBlasi, and Christopher Hall

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re CELERA CORP. SEC. LITIG.

Case No. 10-cv-02604-EJD(HRL)

CLASS ACTION

This Document Relates To:

ALL ACTIONS.

STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DEADLINE TO
AMEND DEFENDANTS' ANSWER

Pursuant to Civil Local Rule 7-12, the parties, Lead Plaintiff Washtenaw County Employees' Retirement System ("Lead Plaintiff") and defendants Celera Corporation, Kathy Ordoñez, Joel R. Jung, Ugo DeBlasi and Christopher Hall (collectively, "Defendants"), by and through their undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, on May 6, 2011, Lead Plaintiff filed a Second Amended Consolidated Complaint for Violation of the Federal Securities Laws (the "Complaint") (Dkt. No. 45);

WHEREAS, on September 4, 2012, the Court denied Defendants' motion to dismiss the Complaint (Dkt. No. 65);

WHEREAS, by Order dated September 14, 2012 (Dkt. No. 67), the Court extended Defendants' deadline to answer or otherwise respond to the Complaint until October 19, 2012;

WHEREAS, on October 19, 2012, Defendants filed their Answer to the Complaint;

WHEREAS, by Order dated November 7, 2012 (Dkt. No. 77), the Court extended the deadline for Lead Plaintiff to file a Motion to Strike Defendants' Answer, or portions thereof, until November 29, 2012;

WHEREAS, Lead Plaintiff and Defendants have met and conferred with respect to the sufficiency of Defendants' Answer;

WHEREAS, Defendants have agreed to amend their Answer and represent that they need additional time to amend Defendants' Answer, or portions thereof;

WHEREAS, Lead Plaintiff agrees to provide written consent to Defendants to amend their Answer without leave of Court until January 7, 2013;

WHEREAS, Lead Plaintiff agrees not to file a Motion to Strike prior to the filing by Defendants of an amended Answer on or before January 7, 2013;

WHEREAS, Lead Plaintiff and Defendants agree to confer, upon the filing of an amended Answer, as to a reasonable time period for Lead Plaintiff to move to strike the amended Answer should Lead Plaintiff seek to do so;

WHEREAS, Lead Plaintiff and Defendants agree that in the event that Defendants move for summary judgment on the basis of the affirmative defenses asserted in the amended Answer,

1 Lead Plaintiff and Defendants shall confer as to a reasonable time period for Lead Plaintiff to
 2 oppose such motion;

3 WHEREAS, pursuant to Civil L.R. 6-2(a)(2), the following are previous time
 4 modifications in this action: (i) July 8, 2010 Order (J. Ware) extending Defendants' time to
 5 respond to the Complaint until after the appointment of Lead Plaintiff (Dkt. No. 7); (ii)
 6 November 2, 2010 Order (J. Ware) continuing the case management conference from
 7 November 15, 2010 to March 7, 2011 (Dkt. No. 27); (iii) February 18, 2011 Clerk's Notice
 8 continuing the hearing on Defendants' motion to dismiss and the case management conference
 9 from March 7, 2011 until March 28, 2011 (Dkt. No. 36); (iv) March 24, 2011 Order (J. Ware)
 10 vacating the hearing on Defendants' motion to dismiss and continuing the case management
 11 conference, and also setting a schedule for the filing of, briefing of, and hearing on Lead
 12 Plaintiff's Second Amended Consolidated Complaint (Dkt. No. 40); (v) June 16, 2011 Order (J.
 13 Davila) setting a schedule for the filing of, briefing of, and hearing on Lead Plaintiff's Second
 14 Amended Consolidated Complaint (Dkt. No. 47); (vi) November 23, 2011 Order (J. Davila)
 15 continuing the case management conference scheduled for December 2, 2011 (Dkt. No. 61); (vii)
 16 September 14, 2012 Order (J. Davila) extending time for Defendants to answer or otherwise
 17 respond to the Second Amended Consolidated Complaint (Dkt. No. 67); (viii) October 5, 2012
 18 Order (J. Davila) extending time for the Rule 26(f) Conference and for parties to file their Joint
 19 Case Management Statement and the Case Management Conference to November 9, 2012 (Dkt.
 20 No. 71); and (ix) November 7, 2012 Order (J. Davila) extending the deadline for Lead Plaintiff to
 21 file a Motion to Strike Defendants' Answer, or portions thereof, to November 29, 2012 (Dkt. No.
 22 77); and

23 WHEREAS, the continuance of the deadline for Defendants to amend their Answer will
 24 not affect any other deadlines or events in this action except as otherwise set forth above.

25 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that the
 26 deadline for Defendants to amend their Answer without leave of Court shall be continued until
 27 January 7, 2013, or such later date as is convenient for the Court.
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1 Dated: December 14, 2012

JORDAN ETH
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4 By: /s/Judson E. Lobdell
JUDSON E. LOBDELL

5 Attorneys for Defendants
6 CELERA CORPORATION, KATHY
7 ORDOÑEZ, JOEL R. JUNG, UGO
8 DeBLASI, AND CHRISTOPHER
HALL

9 Dated: December 14, 2012

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Additional Counsel for Plaintiff

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2 I, Judson E. Lobdell, am the ECF User whose ID and password are being used to file this
3 Stipulation and [Proposed] Order to Extend Deadline to Amend Defendants' Answer. In
4 compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Willow E. Radcliffe has
5 concurred in this filing.
6


7 s/ Judson E. Lobdell
8 JUDSON E. LOBDELL

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10 * * *

11 O R D E R

12 IT IS SO ORDERED.

13 DATED: 12/17/2012

14 
15 THE HONORABLE EDWARD J. DAVILA
16 UNITED STATES DISTRICT COURT JUDGE
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